

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff,

v.

692323 CAPITAL, INC., et al.,

Defendants.

NO: CV-11-360-RMP

Bankr. Case No. 09-06194-PCW11
(Consolidated Case)

Adv. Proc. No. 11-80297-PCW11

DEFAULT JUDGMENT AGAINST
DEFENDANT WENTWORTH
BJARNASON

JUDGMENT SUMMARY

Judgment Creditor: Bruce P. Kriegman, solely in his capacity as the
Liquidating Trustee under the Confirmed Plan of
the Debtor

Attorneys for
Judgment Creditor: Witherspoon Kelley

Judgment Debtor: Wentworth Bjarnason

Principal Amount of
Judgment: \$57,686.42 CAD
\$ 250.00 US

Interest on Judgment: Weekly Average of One-Year Constant Maturity
(nominal) treasury yield as published by the
Federal Reserve System (28 U.S.C. § 1961)

This Court, have reviewed the Order of Default previously entered in
Bankruptcy Court against Diane Bjarnason, Adv. Doc. No. 509, and having
adopted the Bankruptcy Court's Report and Recommendation, ECF No. 103, and
being fully advised in the premises, **IT IS HEREBY ORDERED, ADJUDGED,**
AND DECREED that the Plaintiff, Bruce P. Kriegman, solely in his capacity as
court-appointed Chapter 11 Trustee for LLS America, LLC, shall have judgment
against Defendant Diane Bjarnason as follows:

1. Monetary Judgment in the amount of CAD \$57,686.42, pursuant to 11
U.S.C. § 550 and RCW 19.40.071;

2. Transfers in the amount of CAD \$19,908.00 made to Defendant within
four years prior to the Petition Filing Date are hereby avoided and Plaintiff may
take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544, 550,
551, and 548(a) and (b) and RCW 29.40.041(1) and (2) and RCW 19.40.071;

1 3. Transfers in the amount of CAD \$37,778.42 made to Defendant more
2 than four years prior to the Petition Filing Date should be avoided and Plaintiff
3 should be authorized to take all necessary action to preserve the same, pursuant to
4 11 U.S.C § 544, 550, and 551 and RCW 19.40.041(1) and 19.40.071;

5 4. All said transfers to Defendant Wentworth Bjarnason are hereby set aside
6 and Plaintiff shall be entitled to recover the same, or the value thereof, from
7 Defendant Wentworth Bjarnason for the benefit of the estate of LLS America,
8 pursuant to 11 U.S.C. §§ 544, 550, and 551.

9 5. All proofs of claim of Defendant which have been filed or brought or
10 which may hereafter be filed or brought by, on behalf of, or for the benefit of
11 Defendant Wentworth Bjarnason or any affiliated entities, against the Debtor's
12 estate, in this bankruptcy or related bankruptcy proceedings, are hereby disallowed
13 and subordinated to the monetary judgment granted herein and Defendant
14 Wentworth Bjarnason shall not be entitled to collect on his proof of claim (Claim
15 No. 422-1) until the monetary judgment is satisfied by Defendant Wentworth
16 Bjarnason in full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1), and 105(a);

17 6. A constructive trust is hereby established over the proceeds of all
18 transfers in favor of the Trustee for the benefit of the estate of LLS America; and

19 7. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of \$250.00
20 USD, for a total judgment of CAD \$57,686.42, plus \$250.00 USD, which shall

1 bear interest equal to the weekly average of one-year constant maturity (nominal)
2 treasury yield as published by the Federal Reserve System.

3 The District Court Clerk shall enter this Judgment and provide copies to
4 counsel, Defendant, and Judge Patricia C. Williams, and shall terminate
5 Wentworth Bjarnason as a defendant in this case.

6 **DATED** this 17th day of September 2013.

7
8 s/ Rosanna Malouf Peterson
9 ROSANNA MALOUF PETERSON
Chief United States District Court Judge